

LAW OFFICE OF  
MARC FERNICH

MARC FERNICH maf@fernichlaw.com  
ALSO ADMITTED IN MASSACHUSETTS

810 SEVENTH AVENUE, SUITE 620  
NEW YORK, NEW YORK 10019  
212-446-2346  
FAX: 212-459-2299  
www.fernichlaw.com

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**BY ECF**

Hon. Colleen McMahon  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2550  
New York, New York 10007

Re: *James Kevin Kergil v. USA*, Nos. 17-cv-4675 (CM), 12-cr-152 (CM) (SDNY)

Dear Judge McMahon:

My office has just been retained to handle James Kevin Kergil's pending 28 U.S.C. § 2255 motion to vacate his conviction. By this letter, we respectfully ask the Court to temporarily suspend the motion so we may review the record and determine how best to proceed – *e.g.*, whether to seek leave to amend and supplement Mr. Kergil's *pro se* submissions with a counseled brief. We would conduct this review expeditiously, promptly notifying the Court and the government of our intentions. We appreciate Your Honor's consideration and courtesy in this regard.

Respectfully,

/s/

Marc Fernich

cc: AUSA Eun Young Choi (ECF)